

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

JERRY LEE RAGAIN,)
449 Godin Avenue)
Cahokia, IL 62206)
Plaintiff,)
vs.) NO:
KARA N. BYRD,)
20 Sugar Maple Lane, #10)
St. Charles, MO 63303,)
AND)
AMAZON.COM, INC.,)
a limited liability company,)
c/o Illinois Corporation Service C)
801 Adlai Stevenson Drive)
Springfield, IL 62703)
Defendants.)

COMPLAINT

COUNT I
(Negligence)
Jerry Ragain v. Kara Byrd

COMES NOW the Plaintiff, Jerry Ragain, by and through his attorneys, Rich, Rich & Cooksey, P.C., and for his cause of action against the Defendant, Kara Byrd respectfully represents unto the Court as follows:

1. That on August 22, 2022, and at all times relevant hereto, Plaintiff, Jerry Ragain, was domiciled with the intent to remain in the City of Cahokia, in the County of St. Clair, in the State of Illinois, and is therefore a citizen of the State of Illinois.

2. That on August 22, 2022, and at all times relevant hereto, Defendant, Kara Byrd, was domiciled with the intent to remain in the City of St. Charles, in the County of St. Charles, in the State of Missouri, and is therefore a citizen of the State of Missouri.

3. That the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of costs and interest.

4. That jurisdiction of this Court is proper under 28 U.S.C. §1332, diversity of citizenship.

5. That this action properly lies in this district pursuant to 28 U.S.C. § 1391, because the claim arose in this judicial district.

6. That on August 22, 2022, and at all times relevant hereto, the Plaintiff, Jerry Ragain, was operating a motor vehicle traveling Southbound on Illinois Route 3, in the City of Sauget, County of St. Clair and the State of Illinois.

7. That on August 22, 2022, and at all times relevant hereto, the Defendant, Kara Byrd, was operating a motor vehicle traveling Southbound on Illinois Route 3, in the City of Sauget, County of St. Clair and the State of Illinois.

8. That at said time and place, the vehicle operated by the Defendant, Kara Byrd, struck the rear of Plaintiff's vehicle, causing Plaintiff's vehicle to strike the rear of another vehicle.

9. That at said time and place, the Defendant, Kara Byrd, committed one or more of the following acts of negligence and/or omissions which directly and proximately caused the collision to occur:

a. The Defendant failed to keep a proper lookout for other vehicles then and there rightfully upon said roadway and particularly the vehicle in front of her vehicle;

- b. The Defendant drove her vehicle in such a manner as to cause it to strike the rear of Plaintiff's vehicle, which then struck another vehicle;
- c. The Defendant failed to properly apply the brakes of her vehicle;
- d. The Defendant operated her vehicle at an excessive rate of speed which was greater than was reasonable and proper having regard for the traffic then and there upon said highway and the condition of said highway, contrary to the provisions of 625 ILCS 5/11-601; and
- e. The Defendant followed another vehicle more closely than was reasonable and proper having regard for the speed of such vehicle and the traffic then and there upon said highway and the condition of the highway, contrary to the provisions of 625 ILCS 5/11-701(a).

10. That as a direct and proximate result of one or more of the foregoing acts of negligence and/or omissions of the Defendant, Kara Byrd, the Plaintiff was injured in one or more of the following ways:

- a. The Plaintiff was made sick, sore, lame, disordered and disabled and suffered extensive injuries to his head, body, and limbs, both internally and externally;
- b. The Plaintiff received injuries to his neck;
- c. The Plaintiff received injuries to his chest;
- d. The Plaintiff received injuries to the soft tissues of the cervical, shoulder, and lumbar area, including the muscles, ligaments, tendons and nerves;
- e. The Plaintiff has expended money for necessary medical care, treatment and services and will be required to expend money for medical care, treatment and services in the future;
- f. The Plaintiff has suffered disability as a result of his injuries;
- g. The Plaintiff has experienced pain and suffering and will be reasonably certain to experience pain and suffering in the future as a result of the injuries; and
- h. The Plaintiff has lost money from the loss of wages and will suffer an impairment of future earning capacity.

WHEREFORE, the Plaintiff, Jerry Ragain, prays for judgment against the Defendant, Kara Byrd, for a fair and just award in excess of Seventy-Five Thousand Dollars (\$75,000.00)

plus costs of this suit.

COUNT II

(Negligence)

Jerry Ragain v. Amazon.com, LLC, a limited liability corporation

COMES NOW the Plaintiff, Jerry Ragain, by and through his attorneys, Rich, Rich & Cooksey, P.C., and for his cause of action against the Defendant, Amazon.com, LLC, respectfully represents unto the Court as follows:

1. That on August 22, 2022, and at all times relevant hereto, Plaintiff, Jerry Ragain, was domiciled with the intent to remain in the City of Cahokia, in the County of St. Clair, in the State of Illinois, and is therefore a citizen of the State of Illinois.
2. That on August 22, 2022, and at all times relevant hereto, Defendant, Amazon.com, LLC, was incorporated in the State of Delaware with its principal place of business located in the City of Seattle, in the State of Washington, and is therefore a citizen of the States of Washington and Delaware.
3. That the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of costs and interest.
4. That jurisdiction of this Court is proper under 28 U.S.C. §1332, diversity of citizenship.
5. That this action properly lies in this district pursuant to 28 U.S.C. § 1391, because the claim arose in this judicial district.
6. That on August 22, 2022, and at all times relevant hereto, the Plaintiff, Jerry Ragain, was operating a motor vehicle traveling Southbound on Illinois Route 3, in the City of Sauget, County of St. Clair and the State of Illinois.

7. That on August 22, 2022, and at all times relevant hereto, the Defendant, Amazon.com, LLC, a limited liability corporation, by and through its agent and employee, Kara Byrd, was operating a motor vehicle traveling Southbound on Illinois Route 3, in the City of Sauget, County of St. Clair and the State of Illinois.

8. That at said time and place, the vehicle operated by the Defendant, Amazon.com, LLC, a limited liability corporation, by and through its agent and employee, Kara Byrd, struck the rear of Plaintiff's vehicle, causing Plaintiff's vehicle to strike the rear of another vehicle.

9. That at said time and place, the Defendant, Amazon.com, LLC, a limited liability corporation, by and through its agent and employee, Kara Byrd, committed one or more of the following acts of negligence and/or omissions which directly and proximately caused the collision to occur:

- a. The Defendant failed to keep a proper lookout for other vehicles then and there rightfully upon said roadway and particularly the vehicle in front of her vehicle;
- b. The Defendant drove her vehicle in such a manner as to cause it to strike the rear of Plaintiff's vehicle, which then struck another vehicle;
- c. The Defendant failed to properly apply the brakes of her vehicle;
- d. The Defendant operated her vehicle at an excessive rate of speed which was greater than was reasonable and proper having regard for the traffic then and there upon said highway and the condition of said highway, contrary to the provisions of 625 ILCS 5/11-601; and
- e. The Defendant followed another vehicle more closely than was reasonable and proper having regard for the speed of such vehicle and the traffic then and there upon said highway and the condition of the highway, contrary to the provisions of 625 ILCS 5/11-701(a).

10. That as a direct and proximate result of one or more of the foregoing acts of negligence and/or omissions of the Defendant, Amazon.com, LLC, a limited liability

corporation, by and through its agent and employee, Kara Byrd, the Plaintiff was injured in one or more of the following ways:

- a. The Plaintiff was made sick, sore, lame, disordered and disabled and suffered extensive injuries to his head, body, and limbs, both internally and externally;
- b. The Plaintiff received injuries to his neck;
- c. The Plaintiff received injuries to his chest;
- d. The Plaintiff received injuries to the soft tissues of the cervical, shoulder, and lumbar area, including the muscles, ligaments, tendons and nerves;
- e. The Plaintiff has expended money for necessary medical care, treatment and services and will be required to expend money for medical care, treatment and services in the future;
- f. The Plaintiff has suffered disability as a result of his injuries;
- g. The Plaintiff has experienced pain and suffering and will be reasonably certain to experience pain and suffering in the future as a result of the injuries; and
- h. The Plaintiff has lost money from the loss of wages and will suffer an impairment of future earning capacity.

WHEREFORE, the Plaintiff, Jerry Ragain, prays for judgment against the Defendant, Amazon.com, LLC, a limited liability corporation, for a fair and just award in excess of Seventy-Five Thousand Dollars (\$75,000.00) plus costs of this suit.

Respectfully submitted,
/s/ Michelle Mr. Rich
BY: RICH, RICH, COOKSEY & CHAPPELL, P.C.
Mr. Thomas C. Rich #06186229
Mrs. Kristina D. Cooksey #6299549
Mrs. Michelle M. Rich #6310004
Mr. Aaron J. Chappell #6311028
Ms. Caitlin Rich #6334176
Attorneys at Law
6 Executive Drive, Suite 3
Fairview Heights, IL 62208
618-632-0044 PHONE
618-632-9749 FAX
team@rrccfirm.com